

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE AT NASHVILLE**

JOHN MELTON,)	
)	
Plaintiff,)	
)	
v.)	No. 3:07-cv-00730
)	JURY DEMAND
)	
BANCINSURE, INC.,)	
)	
Defendant.)	
)	

**BANCINSURE, INC.'S MOTION TO DISMISS OR, IN THE ALTERNATIVE,
TO STAY PENDING ARBITRATION**

Come now the Defendant, BancInsure, Inc. ("BancInsure"), by and through undersigned counsel and pursuant to Fed. R. Civ. P. 12(b), and hereby moves this Honorable Court for an Order dismissing the Complaint filed by the Plaintiff. As grounds, BancInsure would show that the insurance policy at issue contains a Dispute Resolution Endorsement requiring the parties to arbitrate any dispute. In the alternative, BancInsure moves the Court to stay this action pursuant to Section 3 of the Federal Arbitration Act until such arbitration has been completed.

In support of this Motion, BancInsure has contemporaneously filed a Memorandum of Law.

Respectfully submitted,

s/ Jeffrey S. Price

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing has been furnished via first class U.S. Mail upon the following on this 16th day of August, 2007.

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s/ Jeffrey S. Price

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